

Order

**Supreme Court
Lansing, Michigan**

September 21, 2005

Clifford W. Taylor,
Chief Justice

128688

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 128688
COA: 256377
Barry CC: 04-000104-FH
56-B DC: 04-0149-FY

CORY JO SCHUT,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the March 17, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), we REVERSE the judgment of the Court of Appeals and REMAND this case to the 56-B District Court for reconsideration of whether to bind over defendant on the charge of operating a motor vehicle with a revoked license causing death, in light of this Court's decision in *People v Schaefer*, 473 Mich 418 (2005).

We do not retain jurisdiction.



d0914

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2005

Corbin R. Davis

Clerk